

Preface:

(1) All bylaw references will be coded Title (if applicable) ##, Article ##, Section ##, Clause ##, part (if applicable) ##, as “T##A##S##C##P##.” For example, Article 1, Section 1, Clause 1, will be coded as “A1S1C1” for reference;

(2) Any referenced website links may or may not be active by the time future individuals review this write-up.

Complaint #21-05

Petitioner(s): Maryam Alghafir (further referred to as “Maryam”, she/her),

Representing Student Action Party

Respondent(s): Rise Up/Isaiah Martin (further referred to as “Rise Up/Isaiah”, he/him),

Representing Rise Up/Isaiah Martin

Allegations (filed February 17th, 2021 at 6:17PM):

(1) Rise Up violated A3S3C1 of the Election Code:

“All candidates are held accountable to the provisions of this code, Student Government Association Constitution and Bylaws and all other University policies. All candidates, by way of registering and running for office, are agreeing to abide by potential sanctions and policies the Attorney General, Election Commission, Supreme Court, and/or designated lower court deem appropriate based on their interpretation of the Student Code of Conduct and University Policy. No sanction will extend beyond the context of an individual or party’s involvement with Student Government and/or Student Government practice.”

(2) Rise Up violated A3S3C2 of the Election Code:

“Candidates will be held responsible for any activities by their supporters that are in violation of the provisions of this code if evidence supports that a candidate had actual or constructive knowledge of illicit activities and/or authorized or acquiesced in such activities.”

Defense (filed February 22nd, 2021 at 10:11AM):

“#RISEUPUH PARTY OFFICIAL DEFENSE NOTICE

APPELLATE REQUEST¹ A. JOINT DEFENSE PRETRIAL STATEMENT:²

1. **Parties and Counsel:** Isaiah Martin, President of #ForTheStudents, as well as the entirety of the #RiseUpUH organization are the target bodies of the complaint.

2. **Nature of the Case:** Isaiah Martin is argued as violating Article 3, Section 3, Clauses 1 & 2 regarding posts on social media. He is cited as “bullying and/or harassing” or possessing otherwise unpleasant behavior in regard to these posts.
3. **Claims and/or Defenses:** The petitioner claims that Mr. Martin harassed and/or bullied Student Action member Navid in his direct messages on the social media platform Twitter. Article 3, Section 3, Clauses 1 & 2 state, in summary, that all candidates are held accountable to the code, and that candidates are held responsible for any activities by their supporters that are in violation of the provisions of this code if evidence shows that a candidate had actual or constructive knowledge of illicit activities and/or authorized the activities.
4. **Undisputed Issues/Stipulations:** Isaiah Martin was in fact in contact with Navid, this is the full scope and extent of the undisputed issues of the case at hand between the plaintiff and defendant.

1

² If the parties have no statement or submission concerning any one of the items required in Section A (e.g., if the parties have not stipulated to any facts), the Joint Pretrial Statement shall so indicate.

5. Exhibit List:

Isaiah Martin’s involvement with the community cannot be limited to his action

within student government, as he is a representative of the University of Houston, and moreover, the city of Houston. Mr. Martin has long advocated for community wellness, and this advocacy extends far before his involvement with either FTS or #RiseUpUH. During the unprecedented weather crisis, Isaiah worked with federal legislators and state representatives to ensure that students and Houstonians alike received adequate shelter, water, and warmth while many were struggling.

While Mr. Martin was on a conference call with community leaders, Congresswoman Sheila Jackson Lee personally requested that he spread the word of the shelter notices. Isaiah felt as though Navid, being that he has a position within student housing, would be a valuable resource for distributing assets and information to struggling students staying at the university. This action had absolutely nothing to do with the #RiseUpUH campaign; it was strictly an attempt to assist the UH and Houston communities in a difficult time, which extends far beyond student government politics.

To challenge his intentions and claim bullying and/or harassment for Mr. Martin’s passionate response to Navid’s minimizing of the severity of the issue at hand is disgraceful. This was a moment of leadership during a humanitarian crisis, and it was instead misinterpreted as an attempt to push an agenda for the #RiseUpUH Party, a party that Isaiah has only voiced support for and is not an active, registered member of. In his messages for Navid, he even expresses this fact, stating that his request has nothing to do with the election, and that he is solely seeking to help the community.

6. Deposition Testimony:

In the provided screenshots, Isaiah is seen sending a tweet to Senate hopeful

Navid reading, “Just spoke with @JacksonLeeTX18, and Dr. Walker about the power shortage on campus. Students without power, who live in the residential halls, are encouraged to inform front desk staff to get moved to a location with heat. We will get through this Coogs; stay strong.” The tweet outlines the communication he had with figureheads of the Houston community, which were his influences in distributing the message.

He follows by asking Navid to spread the word. Navid, rather than understanding this is an unprecedented humanitarian crisis, responds with skepticism instead of taking the initiative to further spread the resources and information that extended from Congresswoman Lee and Dr. Walker. The use of the “F word” does not constitute bullying or harassment, other than the use of that word there is absolutely no phrasing that could be even slightly interpreted as bullying or harassment. It is worth noting that there is not a mention of “proper use of language” in the code. In the legal court of law, cursing does not create legal liability for harassment, and as a result, it should not create liability in our court either.

In addition, the codes in the complaint have been miscited. There is a claim of bullying and harassment in the email from the SGA Department of Justice, yet no citation of a violation for any code relating to that claim. Instead, Article 3, Section 3, Clauses 1 & 2 are claimed to have been violated, which also can be argued as an overstate of the scope of the clauses.

For example, the second clause reads that “Candidates will be held responsible for any activities by their supporters that are in violation of the provisions of this code if evidence supports that a candidate had actual or constructive knowledge of illicit activities and/or authorized or acquiesced in such activities.” As previously mentioned, Isaiah acted on behalf of his advocateship and at the direction of community officials. This was not an act that was sponsored by any member of the #RiseUpUH organization. No candidate within the party had any actual or constructive knowledge of these activities, nor were they authorized by any member of the #RiseUpUH party. The claim that there was any violation of this clause is plainly invalid and should be retracted.

The Electoral Justice and Efficiency Act, which was introduced and passed in the previous legislative and judicial terms, states that, “all [statutes] will be interpreted based upon their ordinary meaning, that is, the sense of a word or phrase that is most likely implicated in a given linguistic context.” By way of this provision, clause 2 should be interpreted as it is stated, which would undoubtedly expunge Mr. Martin of his proclaimed violation due to the fact that no #RiseUpUH candidate was remotely responsible or involved with Isaiah’s advocacy of reallocating students during this community crisis.

Finally, Article 1, Section 1, Clause 2 states that the Student Government Association at the University of Houston supports student elections, student expression, student advocacy and agency through this code. To penalize Mr. Martin is a violation of this clause, as it is creating a precedent of punishment for student expression and advocacy.

7. Final Statement: It is very disheartening to see an unprecedented winter storm that left countless Houstonians and U of H students without adequate shelter, food, and water for several days, has turned into a partisan issue at even the Student Government level. Isaiah Martin, like the entirety of the #RiseUpUH organization, wants to work to help this campus reach its highest potential, and these personal politics have no place in that goal. We as an organization hope that we can reach a point where collaboration is prioritized over scrutiny and party politics, and that the rebuttals in this statement are seriously considered. Please contact #RiseUp President Quentin Edmiston if any other information is required for this statement of defense.”

#RISEUPUH PARTY OFFICIAL DEFENSE NOTICE

...

APPELLATE REQUEST¹ A. JOINT APPEAL PRETRIAL STATEMENT:²

1. **Parties and Counsel:** Quentin Edmiston, President of #RiseUpUH
2. **Nature of the Case:** Quentin is accused of harassment and bullying, and a violation of Article 3, Section 3, Clauses 1 and 2.
3. **Claims and/or Defenses:** Upon Student Action party member Yazen taking initiative to discredit #RiseUp platforms on the official party page, Quentin Edmiston acted to issue a response to the rhetoric used by the opposing party. His response was cited as harassment and/or bullying, and is claimed to have violated the SGA guidelines.
4. **Undisputed Issues/Stipulations:** Quentin Edmiston in fact responded to Yazen’s comments by issuing a public statement, that is the full scope and extent of the undisputed issues between the plaintiff and defendant.
5. **Exhibit List:**
Yazen Hamoudah, a member of the Student Action party, decided to attempt to discredit the Rise Up UH party’s stance on vaccinations. Mr. Hamoudah initiated all contact and was the initiator of the claimed “harassment”. Mr. Hamoudah was not provoked to comment on the #RiseUpUH Instagram page, but rather, he himself acted on behalf of his party to slander the mission statement of the #RiseUp Party.

1

²If the parties have no statement or submission concerning any one of the items required in Section A (e.g., if the parties have not stipulated to any facts), the Joint Pretrial Statement shall so indicate.

Yazen is clearly seen commenting “For what reason?” on a post detailing the need for mass vaccinations on the #RiseUp page and following up by calling the party “ridiculous.” It is quite clear that he himself was the initiator in this interaction, and in order to protect the public image of the party, President Edmiston issued a statement to denounce his overly critical perspective. It is also important to note that Student Action then themselves issued a public response to

Quentin's statements, speaking in no less of the proclaimed "harassing" tone than President Edmiston did in the prior interaction.

To cite Quentin Edmiston with harassment and/or bullying while ignoring the actions of Student Action member Yazen, and moreover the entirety of the Student Action party, is concerning at the very least. The guidelines are in place to ensure a fair and balanced election; ignoring one side's violations while simultaneously sanctioning the other's for comparable, and quite obviously equivalent, behavior is in itself undermining the integrity of the SGA Judicial System, and we suggest a sincere evaluation of the validity of this complaint.

6. Deposition Testimony:

As mentioned in the initial statement of defense for this violation, the email from

the SGA Department of Justice outlines a claim of bullying and harassment but provides no citation of the clause being violated in that claim. Refer to the initial statement for more context regarding this defense, as it is redundant to repeat this fact.

If Quentin is still deemed to be held liable for bullying and harassment, Yazen individually, as well as the Student Action organization in its entirety, should be held to the same standard. Article 2, Section 1, Clause 2 states that the Election Commission must act impartially to any candidates or parties participating in the Student Government Association Election.

We therefore encourage the Election Commission to hold true to this standard and evaluate the argument in an unbiased manner. Failure to do so would be a direct violation of Article 2 of the SGA Election Code and would undermine the integrity of this election cycle."

-Rise Up

Course of Investigation: I examined the Petitioner's evidence and reached out for a defense statement. I analyzed the respondent's defense statement as well. I went through the Election Code and identified if a violation was present. After this I had enough to come to a decision.

You will find the evidence submitted below:

Statement from Student Action Party Leadership Board Regarding Quentin Edmiston's Statement

Houston, TX - Statement from the leadership board at Student Action Party after Quentin Edmiston's statement regarding Yazen

Through these unprecedented winter storms, the Student Action Party feels for our fellow Houstonians and Cougars experiencing water, power, and heat outages these past couple of days. We believe in prioritizing the safety and wellbeing of our fellow Houstonians, however, blatantly advertising false hope to students just to appeal to those voting in the election is both harmful and dangerous. The opposing party has made their platform promoting the idea of turning TDECU into a mass vaccination site, knowing that their hopeful chair in the office does not allow them the power to make such a promise. Misinformation like this is why people are struggling to get the right resources. These same misinforming sentiments mirror those that caused the rapid escalation of COVID-19 cases.

The TRUTH of the matter is that, yes Cougars need vaccination, but the opposing party has no power to actually obtain vaccines on campus and distribute them. The University of Houston itself has actively been working on attempting to get vaccinations to the at-risk populations here on campus, BUT it has been up to the Texas Department of Health and Safety, as to whom the vaccines are distributed to and how many are allocated to them. (<https://uh.edu/covid-19/information/vaccine/>) Thus, the opposing party claiming to have any part in an increase of vaccination is both misconstruing the truth and playing on people's hope.

Not only that but they have misconstrued our candidate's words for campaigning clout in the midst of a pandemic and winter storm that has taken the lives of our fellow Texans. We find this extremely unprofessional but have felt the need to respond in order to clarify our member Yazen's comments. Yazen was simply trying to state that the opposing party has no power or say when it comes to having widespread vaccination on campus. Furthermore, The Student Action Party takes COVID-19 very seriously as it has taken the lives of some of our family members and has affected us directly.

The Student Action Party is committed to giving truthful and helpful information during these trying times. We encourage our fellow Cougars to get tested if they believe they have been exposed to COVID-19. The city is offering free drive-thru testing. You can sign up using this link (<https://publichealth.harriscountytexas.gov/Resources/2019-Novel-Coronavirus/COVID-19-Testing-Information>). We also encourage Cougars to get vaccinated if they are offered the chance however for

now we would like to remind Cougars to follow necessary precautions under CDC guidelines in order to slow the spread.



uhstudentaction



quentinedmiston Any one of you could've contacted me thru social media or my personal contact info so that we could put this BS aside and work TOGETHER to help those on campus and in the community that are suffering from no power, cell service, and food right now but instead you continue to choose to fuel this rivalry instead of laying down your arms and being decent people.

Regardless of how deplorable your campaigns actions have been, we are more than willing to with with you all as long as you hold the university's best interest at hand.

Some things in life are more important than getting elected to student body gov't and it's



Liked by spurthi_k and 27 others

3 HOURS AGO

Statement from Student Action Party Leadership Board Regarding Quentin Edmiston's Statement

Houston, TX - Statement from the leadership board at Student Action Party after Quentin Edmiston's statement regarding Yazen

Through these unprecedented winter storms, the Student Action Party feels for our fellow Houstonians and Cougars experiencing water, power, and heat outages these past couple of days. We believe in prioritizing the safety and wellbeing of our fellow Houstonians, however, blatantly advertising false hope to students just to appeal to those voting in the election is both harmful and dangerous. The opposing party has made their platform promoting the idea of turning TDECU into a mass vaccination site, knowing that their hopeful chair in the office does not allow them the power to make such a promise. Misinformation like this is why people are struggling to get the right resources. These same misinforming sentiments mirror those that caused the rapid escalation of COVID-19 cases.

The TRUTH of the matter is that, yes Cougars need vaccination, but the opposing party has no power to actually obtain vaccines on campus and distribute them. The University of Houston itself has actively been working on attempting to get vaccinations to the at-risk populations here on campus, BUT it has been up to the Texas Department of Health and Safety, as to whom the vaccines are distributed to and how many are allocated to them. (<https://uh.edu/covid-19/information/vaccine/>) Thus, the opposing party claiming to have any part in an increase of vaccination is both misconstruing the truth and playing on people's hope.

Not only that but they have misconstrued our candidate's words for campaigning clout in the midst of a pandemic and winter storm that has taken the lives of our fellow Texans. We find this extremely unprofessional but have felt the need to respond in order to clarify our member Yazen's comments. Yazen was simply trying to state that the opposing party has no power or say when it comes to having widespread vaccination on campus. Furthermore, The Student Action Party takes COVID-19 very seriously as it has taken the lives of some of our family members and has affected us directly.

The Student Action Party is committed to giving truthful and helpful information during these trying times. We encourage our fellow Cougars to get tested if they believe they have been exposed to COVID-19. The city is offering free drive-thru testing. You can sign up using this link (<https://publichealth.harriscountytexas.gov/Resources/2019-Novel-Coronavirus/COVID-19-Testing-Information>). We also encourage Cougars to get vaccinated if they are offered the chance however for now we would like to remind Cougars to follow necessary precautions under CDC guidelines in order to slow the spread.

Statement from #RiseUp Presidential Candidate Quentin Edmiston Regarding Yazen Hamoudah and the Opposing Party

Houston, TX - #RiseUp Presidential candidate, Quentin Edmiston, released the following statement tonight after comments from Yazen Hamoudah, a member of the opposing party.

"Throughout this campaign, it has always been our goal to seek action for issues affecting the lives of University of Houston students. Our platform was meticulously created after using our ears to hear our classmates' concerns and then crafting detailed solutions to solve them. It is through this process that 'action' may be applied to any circumstance. This process is not just a word but rather an identity, an identity that will either make or break one's prospective term in office.

With that being said, I am profoundly disturbed and immediately condemn the recent comments of Yazen Hamoudah, a member of the opposing party and candidate for Senate in this upcoming SGA election. Tonight, as most Houstonians are bracing for a winter unlike anything we've seen in decades, Yazen used his time to voice his displeasure at our campaigns plan for on-campus mass vaccinations by stating, "For what reason?" and then continuing with, "You gotta understand we aren't gonna end the pandemic for just a vaccine, yall are ridiculous."

Let me be clear; our goal is to work with any member of our student body upon taking elected office; this includes students who may have differing points of view. However, blatant acts to undermine the validity of science for political gain will not be tolerated.

More than 350,000 Americans, precisely 4,760 within Harris County, have lost their lives to COVID-19. The conscious decision by Yazen to spew anti-vax rhetoric is insensitive and unbecoming of the esteemed body that is the Student Government Association at the University of Houston. Millions of Americans will wake up tomorrow with an empty seat at the kitchen table. What's "ridiculous" is to mock those victims and their families with a statement clearly against the direction of CDC, Federal, State, and local leadership. Opening a mass vaccination site that is available for both students and the neighboring community will do nothing but speed up distribution and increase availability for residents in the third-ward community.

The #RiseUp campaign is calling for an IMMEDIATE retraction and condemnation of these comments from Yazen Hamoudah, opposing party Vice-President Maryam Alghafir, and opposing party President Arsalan Darbin. The incentive rhetoric from the opposing party does not belong on our campus and deserves to be disavowed."

###



uhstudentaction



Regardless of how deplorable your campaigns actions have been, we are more than willing to with with you all as long as you hold the university's best interest at hand.

Some things in life are more important than getting elected to student body gov't and it's absolutely disappointing no one in the Student Action party can see through that.

Stop this nonsense at once and call me or contact me personally if you're ready to stop acting like children and start working TOGETHER as your party name claims that you are STUDENTS UNITED

28m Reply



Liked by spurthi_k and 27 others

3 HOURS AGO



riseupuh · Follow

University of Houston



riseupuh Statement from #RiseUp Presidential candidate @quentinedmiston regarding disturbing comments from Yazen Hamoudah, a member of the opposing party.

17h



elliot11 🍌🍌🍌



17h 2 likes Reply



j4yli Periodt



17h 2 likes Reply



john.fitz Thank goodness for you Quentin



15h 2 likes Reply



ilangelman i, for one, think the pandemic is ~had~ but thats iust



Liked by spurthi_k and 65 others

17 HOURS AGO

3:46 PM 78%

Search Daniel Johns iam_danieljohns



Daniel Johns
iam_danieljohns · Instagram
431 followers · 50 posts
You don't follow each other on Instagram

[View Profile](#)

FRI 6:45 PM

Hey, who is on your team??

Yall have an uphill battle if yall want to win right now and I want to help.

Accept message request from Daniel Johns (iam_danieljohns)?

If you accept, they will also be able to video chat with you and see info like your Activity Status and when you've seen messages.

[Block](#) [Delete](#) [Accept](#)

8:48

Quote Tweets

Quentin Edmiston @QuentinEdmiston · 2m
Great to see leaders like Isaiah working together with local officials in times of crisis!! Wish more on campus leaders would do the same. #ykyk

Isaiah Martin @isaiahbillions · 41m
Just spoke with @JacksonLeeTX18 , and Dr. Walker about the power shortage on campus. Students without power, who live in the residential halls, are encouraged to inform front desk staff to get moved to...

8:49

Isaiah Martin

to put another message out.

8:21 PM

I just don't think what you're trying to get me to do this appropriate right now. you know I'm running with the party opposite from you, and this is the first time you've reached out to me since I left its

8:26 PM

Navid, I don't give a damn about a fucking election right now. This is about making sure that the students have heat and are safe through the night. You left, I respect that, but this goes above all. #ETS is not running in this election. I reached out to you because I know you have a platform and we worked together to make change for our students, not this partisan bullshit.

8:32 PM

like I said, housing is currently solving this issue internally.

8:36 PM

Start a message

8:49

Isaiah Martin

Just spoke with @JacksonLeeTX18 , and Dr. Walker about the power shortage on campus. Students without power, who live in the residential halls, are encouraged to inform front desk staff to get moved to a location with heat. We will get through this Coogs; stay strong.

Can you help me get this out

8:19 PM

why? I work in housing and all residents have been informed about relocation measures and have been or in the process of being relocated as we speak

8:19 PM

There are some students who have not moved. They just wanted to put another message out.

8:21 PM


I just don't think what you're trying to get me to do this appropriate right now. you know I'm running with the party opposite from you, and this is the first time you've reached out to me since I left its

Start a message

Messages

Search for people and groups

Message requests

 **Isaiah Martin @isaiahbillions** 46m
Sent you @isaiahbillions's Tweet: Can you help me get the word out

Isaiah Martin

Isaiah Martin @isaiahbi... 5h
Just spoke with @JacksonLeeTX18 , and Dr. Walker about the power shortage on campus. Students without power, who live in the residential halls, are encouraged to inform front desk staff to get moved to a location with heat. We will get through this Coogs; stay strong.

Can you help me get the word out

Yesterday 8:15 PM

Start a message

Decision (February 23rd, 2021 at 3:00PM): Maryam’s complaint LACKS merit and this IS NOT a violation of the Election Code.

Sanction: N/A

Further Analysis:

RESPONSE TO DEFENSE STATEMENT FILED BY RISE UP IN ORDER OF APPEARANCE

- 1.) *Accurate summary of the case at hand-*
- 2.) *Accurate summary of the case at hand-*
- 3.) *Accurate summary of the case at hand-*
- 4.) *Accurate summary of the case at hand-*
- 5.) **Isaiah’s affiliation with Rise Up is evident, but I do not have reason to assume that this is inherently negative- in matters solely presented in this case. I do believe that Isaiah is an active member of the Houston community, and therefore this cooperation outside of campus bounds is not prohibited.**
- 6.) **Though Isaiah’s response to Navid’s concerns was a little harsh, I do not believe that the use of the “f-word” is bullying, as it is staple to student language and was not used in a way to harm anyone, but rather to clarify the severity of the situation. Isaiah wanted to give the opposing party an opportunity to piggyback from his initiative by offering the party to “spread the word” to make sure that as many students as possible were able to get the resources that he wanted to provide them during the storm.**
- 7.) **The final statement makes sense.**

EVIDENTIARY BASIS

Statement from Student Action Party: I provide Rise Up and Student Action equal fiat power in regard to the execution of their prospective party initiatives once in office. That the imposition of a TDECU vaccination center be within the scope of goals that Rise Up may want to work toward achieving. It is not up to the Office of the Attorney General to dictate what will and will not happen once a new administration be in office. I do believe that Q could have refrained from language like “deplorable” and stating that the opposing team is “acting like children”, as I do not believe it to be very helpful or progressive. Let this remark be applied to all parties and independents; mutual respect goes a long way, and both parties should have handled this issue better.

Messages from Isaiah: Refer to the response to the defense statement for my analysis of this.

Daniel Johns: I would just block this individual. This is a peculiar message and ought to be disregarded, but cannot be directly traced back to Rise Up.

Conclusion: This complaint and the back and forth that both parties engaged in on their social media is not indicative of bullying but rather of an inability to remain professional and respectful to each other. Please keep this complaint response in mind in the future when conversing on social media platforms; it is not the obligation of the Office of the Attorney General to regulate partisan politics, and unless there is targeted harassment and bullying, I do not find Rise Up in breach of election code.

Delivered to the Chief Election Commissioner: February 23rd, 2021 at 3:20PM